

1 BILL NO. R-84-09-03

2 RESOLUTION NO. R- 109-84

3 A RESOLUTION FINDING, DETERMINING  
4 AND RATIFYING AN INDUCEMENT RESOLUTION  
5 OF THE FORT WAYNE ECONOMIC DEVELOPMENT COMMISSION  
6 AUTHORIZING THE ISSUANCE AND SALE OF  
7 \$2,000,000.00 ECONOMIC REVENUE BONDS OF THE  
8 CITY OF FORT WAYNE, INDIANA,  
9 FOR THE PURPOSE OF INDUCING THE APPLICANT,  
10 RICHARD J. FREELAND  
11 TO PROCEED WITH THE ACQUISITION  
12 CONSTRUCTION AND EQUIPPING OF THE PROJECT.

13 WHEREAS, the City of Fort Wayne, Indiana, (the "Issuer") is  
14 authorized by I.C. Sec. 36-7-12 (the "Act") to issue revenue  
15 bonds for the financing of economic development facilities, the  
funds from said financing to be used for the acquisition,  
construction and equipping of said facilities, and said facilities  
to be either sold or leased to another person or directly  
owned by another person; and

16 WHEREAS, Richard J. Freeland (the "Applicant") has advised  
17 the Fort Wayne Economic Development Commission and the Issuer that  
18 it proposes that the Issuer acquire and equip an economic develop-  
19 ment facility and sell and/or lease the same to the Applicant or  
20 loan proceeds of an economic development financing to the Applicant  
21 for the same, said economic development facility to be construction  
22 of a 25,000 sq. ft. office building at 1701 Magnavox Way, Fort  
23 Wayne, Indiana, for lease to Pizza Huts of Fort Wayne, Inc. together  
24 with landscaping and costs of issuance (the "Project"); and

25 WHEREAS, the diversification of industry and an increase in  
26 25 full time and 5 part time jobs to be achieved by acquisition and  
27 construction and equipping of the Project will be of public benefit  
28 to the health, safety and general welfare of the Issuer and its  
29 citizens; and

30 WHEREAS, having received the advice of the Fort Wayne  
31 Economic Development Commission, it would appear that the  
32 financing of the Project would be of public benefit to the

1       health, safety and general welfare of the Issuer and its  
2       citizens; and

3               WHEREAS, the acquisition and construction of the faci-  
4       lity will not have an adverse effect on any similar facility  
5       already constructed or operating in or about Fort Wayne,  
6       Indiana.

7               NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF  
8       THE CITY OF FORT WAYNE, INDIANA:

9               SECTION 1. The Common Council finds, determines, rati-  
10       fies and confirms the promotion of diversification of economic  
11       development and job opportunities in and near Fort Wayne,  
12       Indiana and in Allen County, is desirable to preserve the  
13       health, safety and general welfare of the citizens of the  
14       Issuer; and that it is in the public interest that Fort Wayne  
15       Economic Development Commission and said Issuer take such action  
16       as it lawfully may to encourage diversification of industry and  
17       promotion of job opportunities in and near said Issuer.

18               SECTION 2. The Economic Development Commission in  
19       recommending the project, found specifically that the project  
20       will not have an adverse competitive effect on similar facilities  
21       already constructed or operating in Allen County, Indiana, and  
22       the Common Council has also held a hearing and specifically finds  
23       that the project will not have an adverse competitive effect on  
24       similar facilities already constructed or operating in Allen  
25       County, Indiana.

26               SECTION 3. The Common Council further finds, deter-  
27       mines, ratifies and confirms that the issuance and sale of reve-  
28       nue bonds in an amount not to exceed \$2,000,000.00 of the Issuer  
29       under the Act for the acquisition, construction and equipping of  
30       the Project and the sale or leasing of such a financing to the  
31       Applicant for such purposes will serve the public purpose  
32       referred to above, in accordance with the Act.

1 SECTION 4. In order to induce the Applicant to proceed  
2 with the acquisition, construction and equipping of the Project,  
3 the Common Council hereby finds, determines, ratifies and con-  
4 firms that (i) it will take or cause to be taken such actions  
5 pursuant to the Act as may be required to implement the afore-  
6 said financing, or as it may deem appropriate in pursuance  
7 thereof, provided that all of the foregoing shall be mutually  
8 acceptable to the Issuer and the Applicant; and (ii) it will  
9 adopt such ordinances and resolutions and authorize the execu-  
10 tion and delivery of such instruments and the taking of such  
11 action as may be necessary and advisable for the authorization,  
12 issuance and sale of said economic development bonds.

13 SECTION 5. All costs of the Project incurred after the  
14 passage of this Inducement Resolution, including disbursement or  
15 repayment of the Applicant of monies expended by the Applicant  
16 for planning, engineering, interest paid during construction,  
17 underwriting expenses, attorney and bond counsel fees, acquisi-  
18 tion, construction and equipping of the Project will be per-  
19 mitted to be included as part of the bond issue to finance said  
20 Project, and the Issuer will thereafter either sell or lease the  
21 same to the Applicant or loan the proceeds of such financing to  
22 the Applicant for the same purposes.

23  
24  
25 ADOPTED BY ECONOMIC DEVELOPMENT COMMISSION  
26 AND APPROVED AS TO FORM.

27  
28 John J. Wernet, Attorney for the  
Economic Development Commission  
29 Dated this 10<sup>th</sup> day of September, 1984

30 APPROVED AS TO FORM AND LEGALITY.

31  
32 Bruce O. Boxberger, City Attorney  
Dated this 10<sup>th</sup> day of Sept., 1984

Read the first time in full and on motion by GiaQuinta, seconded by Salaries, and duly adopted, read the second time by title and referred to the Committee Finance (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on \_\_\_\_\_, the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_, at \_\_\_\_\_ o'clock M., E.S.

DATE: 9-11-84

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by GiaQuinta, seconded by Salaries, and duly adopted, placed on its passage. PASSED (LOST) by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT:</u>
<u>TOTAL VOTES</u>	<u>7</u>	<u>—</u>	<u>—</u>	<u>2</u>	<u>—</u>
<u>BRADBURY</u>	<u>✓</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>—</u>
<u>BURNS</u>	<u>✓</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>—</u>
<u>EISBART</u>	<u>✓</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>—</u>
<u>GiaQUINTA</u>	<u>✓</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>—</u>
<u>HENRY</u>	<u>✓</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>—</u>
<u>REDD</u>	<u>✓</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>—</u>
<u>SCHMIDT</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>✓</u>	<u>—</u>
<u>STIER</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>✓</u>	<u>—</u>
<u>TALARICO</u>	<u>✓</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>—</u>

DATE: 9-25-84

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL) (SPECIAL) (ZONING MAP) ORDINANCE (RESOLUTION) NO. Q-109-84 on the 25th day of September, 19 84.

ATTEST:

(SEAL)

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Barry A. Ebbert  
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 26th day of September, 19 84, at the hour of 11:00 o'clock A.M., E.S.T.

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 26th day of September, 19 84, at the hour of 3:00 o'clock P.M., E.S.T.

Win Moses, Jr.  
WIN MOSES, JR., MAYOR

BILL NO. R-84-09-03

REPORT OF THE COMMITTEE ON FINANCE

WE, YOUR COMMITTEE ON FINANCE TO WHOM WAS REFERRED AN  
ORDINANCE A RESOLUTION FINDING, DETERMINING AND RATIFYING AN  
INDUCEMENT RESOLUTION OF THE FORT WAYNE ECONOMIC DEVELOPMENT COMMISSION  
AUTHORIZING THE ISSUANCE AND SALE OF \$2,900,000.00 ECONOMIC REVENUE  
BONDS OF THE CITY OF FORT WAYNE, INDIANA, FOR THE PURPOSE OF INDUCING  
THE APPLICANT, RICHARD J. FREELAND TO PROCEED WITH THE ACQUISITION  
CONSTRUCTION AND EQUIPPING OF THE PROJECT

HAVE HAD SAID ORDINANCE UNDER CONSIDERATION AND BEG LEAVE TO REPORT  
BACK TO THE COMMON COUNCIL THAT SAID ORDINANCE DO PASS.

MARK E. GIAQUINTA, CHAIRMAN

*Mark E. GiaQuinta*  
*James S. Stier*

JAMES S. STIER, VICE CHAIRMAN

*Janet G. Bradbury*  
*Thomas C. Henry*

JANET G. BRADBURY

THOMAS C. HENRY

DONALD J. SCHMIDT

CONCURRED IN 9-2584  
SANDRA E. KENNEDY, CITY CLERK

APPLICATION  
TO  
FORT WAYNE, INDIANA, ECONOMIC DEVELOPMENT COMMISSION  
FOR  
ECONOMIC DEVELOPMENT REVENUE BOND FINANCING

A. GENERAL INFORMATION:

1. Applicant's Name: Richard J. Freeland
2. Address of applicant's principle office and place of business:  
5765 St. Joe Road  
Fort Wayne, IN 46815
3. Name of contact person for additional information and notices:  
Norman S. Snow
4. Address of contact person:  
1310 Anthony Wayne Bank  
Fort Wayne, IN 46802
5. Phone number of contact person (219) 423-2353

B. PROJECT INFORMATION:

6. What is the proposed amount of the bond issue? (include cost of project plus issuance cost of bonds) \$2,000,000
7. Provide a brief description of the project: To construct a facility which will house the administrative offices and training facilities of Pizza Huts of Fort Wayne, Inc.

8. Itemize the use of the bonds by expenditure category.

<u>Item</u>	<u>Estimated Expenditure</u>
Construction	<u>1,750,000</u>
Professional costs & fees	<u>25,000</u>
Architects	<u>100,000</u>
Landscaping	<u>75,000</u>
Contingency reserve	<u>50,000</u>
	<u>2,000,000</u>

9. If the proceeds of the bond issue are not sufficient to complete the proposed project, itemize the additional amount of funds which will be necessary and indicate the source of such funds. N/A

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10. Where is the proposed project to be located? (Give street address and attach a legal description for property as it appears on County Auditor's Records)

1701 Magnavox Way, Fort Wayne, IN

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11. Are architects' renderings or blueprints available on facilities to be constructed? Yes        No X (architects renderings will be made available for inspection upon receipt of same from Pizza Huts, Inc. If yes, provide a copy of those renderings and blueprints to the coordinator of the Fort Wayne Economic Development Commission.

If no, describe facilities to be constructed.

Refer to B.7.

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25,000 sq. ft. office building is contemplated.

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12. Is the project solely within the city limits of Fort Wayne? Yes X No \_\_\_\_\_

If no, give the name of the township and/or other municipality in which it is located. N/A

13. If project is not located within the city limits of Fort Wayne, will you waive your right to remonstrate annexation? Yes \_\_\_\_\_ No \_\_\_\_\_ N/A

14. Is the project within the Fort Wayne Community School District? Yes X No \_\_\_\_\_

(will provide information)

If no, state the name of applicable school district.

N/A

15. What is the approximate size of the tract or parcel of property on which the project is to be situated?

2 acres

16. Is the proposed facility, or a portion thereof, to be leased to another entity or entities? Yes \_\_\_\_\_ No \_\_\_\_\_ Possibly

If yes, name the entity or entities and indicate the portion of the project to be leased.

Entity

% Leased

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C. APPLICANT INFORMATION:

17. Type of organization under which the applicant does business (e.g. operation, partnership, sole proprietorship, joint venture).

corporation

18. Under the laws of what state is the applicant orgnaized?

Indiana

19. Name the business or businesses in which the applicant is engaged.

Pizza Huts of Fort Wayne, Inc.

20. Is the applicant qualified to do business in Indiana?  
Yes X No       

21. How long has the applicant been in operation in Allen County? 12 Years.

22. Please list the names and titles of principal operating personnel.

<u>Name</u>	<u>Title</u>
<u>Richard Freeland</u>	<u>President</u>
<u>Deanna Freeland</u>	<u>Secretary/Treasurer</u>
<u>Patrick McKinney</u>	<u>General Manager</u>
<u>David Bobilya</u>	<u>Controller</u>

23. Please list all persons or firms having an ownership interest of 10% or more in the applicant.

<u>Name</u>	<u>% Ownership</u>
Richard Freeland	51
Deanna Freeland	49

24. Are any persons both (a) shareholders or holders of any debt obligation of the applicant; and (b) officers or members of the Fort Wayne Economic Development Commission or the Common Council of the City of Fort Wayne or the Allen County Council? Yes        No   X  

If yes, list that person or persons.

N/A

25. Has any person listed above been convicted of a felony, or convicted of, or enjoined from, any violation of a state or federal securities law within the past ten (10) years? Yes        No   X  

If yes, list that person or persons.

N/A

D. ZONING AND INFRASTRUCTURE INFORMATION:

26. What is the nature of the business to be conducted at the project location?

To construct a facility which will house the administrative offices and training facilities of Pizza Huts of Fort Wayne, Inc.

27. What is the existing zoning classification on the project site?

28. What zoning classification does this project require?

Office building permitted.

29. Is the project site within the flood plain or rivergreenway area? Yes        No       

30. Does the proposed project need to be located within an economic development target area? Yes        No         
Understanding that property has been presently designated as a target area

31. Will the proposed project have ready access to City water? Yes X No       

If no, state the intended source of water for this project.

N/A

32. Will the proposed project have ready access to City sewer? Yes X No       

If no, do you intend to access that utility, or are septic tank and other temporary sewage treatment and disposal facilities to be used in lieu of sewers?

N/A

33. Are any adverse environmental impact anticipated by reason of operation of the proposed project, with particular reference to air, noise or water pollution?  
Yes        No X

If yes, briefly describe that impact.

N/A

E. PUBLIC BENEFIT INFORMATION:

34. State the number of jobs currently employed by the applicant within Allen County. Full Time 250 - Part Time 20  
300

35. State the number of jobs to be created by the proposed project once it is placed into operation.  
Full Time 25 Part Time 5

36. State the number of jobs to be created by the proposed project with three (3) years after it is placed into operation. Full Time 40 Part Time 10

37. Briefly describe the category and nature of the new jobs to be created.  
Employee training directors, advertising managers, personnel managers, engineers, bookkeepers, secretarys, district supervisors, general managers.

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38. What additional annual payroll will the new jobs generate  
(a) immediately after the proposed facilities are placed, and (b) within three (3) years thereafter.  
(a) \$ 350,000  
(b) \$ 600,000

39. If the proposed project would not be approved for tax-exempt financing, is there any substantial possibility that loss of existing jobs would occur within Allen County?  
Yes X No       

If yes, please list the approximate number of jobs to be lost and the approximate net annual payroll lost. Also, give reason for those jobs to be lost.  
The need for an administrative office building is paramount and if this project is not approved, Pizza Hut would have to locate their offices elsewhere, perhaps in another county. This would cause a loss of existing jobs due to that geographical change. There would be a net annual payroll reduction in an amount yet to be determined.

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40. How will the proposed project further the economic development objectives of the City of Fort Wayne?

The proposed project would further be economic development objectives of the City of Fort Wayne as it will streamline the administrative functions of Pizza Huts of Fort Wayne, Inc.; provide new jobs and substantially increase the net annual payroll

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F. ADVERSE COMPETITIVE EFFECT INFORMATION:

41. Do any current or potential business competitors at present exist within the boundaries of Allen County?  
Yes X No       

If yes, list that competitor(s) and state if the use of tax-exempt economic development revenue bonds for this project will put that competitor(s) at a competitive disadvantage.

Anyone who sells pizza would technically be a competitor; however, as this project is earmarked for administrative offices and training facilities, it would not put the competitors at a disadvantage.

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42. Will the proposed facility have an adverse competitive effect upon similar facilities already constructed and operating in Allen County? Yes        No X

If yes, state that adverse competitive effect.

N/A

43. If bond proceeds are to be utilized for construction of a new facility, why could not any existing facilities have met the needs of the applicant?

There are no existing facilities available to provide for administrative offices and training facilities.

#### G. FINANCIAL AND LEGAL INFORMATION:

44. Applicant's net worth as of the end of the calendar quarter preceding the date of application.  
\$ Excess of \$1,000,000.

45. Have tentative arrangements been made for the sale of bonds? Yes X No       

If yes, briefly describe any such arrangements.

See attachment of Fort Wayne National Bank's commitment letter.

46. Has the proposed project been informally reviewed by bond counsel to determine whether it is in accordance with applicable state and federal law? Yes X No \_\_\_\_\_

If yes, state name and address of the firm of bond counsel.

Snow, Rosenblatt & Sauerteig

Norman S. Snow, Esquire

Ice, Miller, Donadio & Ryan

Bruce Palazato, Esquire

47. How much equity contribution will be made by the applicant toward this project?

Applicant has heretofore purchased the land upon which the project will be built at an approximate cost of \$100,000.

48. Is this a "Loan Through Lender" project? Yes    No X

If yes, which local bank is providing a commitment for the necessary Letter of Credit (attach copy of same)

N/A

#### H. APPLICANT'S CERTIFICATION:

I/We certify that all information in this application and attached exhibits are true and complete to the best of my /our knowledge and belief. Verification may be obtained from any source named herein.

Richard J. Freeland

Name of Applicant

1. BY: Norman S. Snow

SEAL

ITS: Attorney

2. BY:

ITS:

Dated this 16th day of August, 1984.